

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12967 of 1994

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

M G PANCHAL

Versus

CHAIRMAN, UCO BANK,

Appearance:

MR BG JANI for Petitioner

MR MK VAKHARIA for MR TUSHAR MEHTA for Respondent No. 1, 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 06/09/1999

ORAL JUDGEMENT

1. Having heard the learned counsel for the parties, I am satisfied that it is a fit case where on the retirement benefits which has been paid delayed, the petitioner deserves to be granted interest at the rate of 12% per annum from 1-2-1994 to 31-8-1994.

2. The petitioner, an Officer of the United Commercial Bank applied for voluntary retirement on

23-7-1993. His application came to be allowed by the respondent No.2 under his order dated 23-12-1993 and he was permitted to go on voluntary retirement from 25-11-1993. The petitioner on 12-1-1994 submitted an application for settlement of provident fund and gratuity dues but nothing had been done. Then he send reminder on 28-3-1994 but even it is not replied. Then he gave a legal notice through his advocate on 14-7-1994 and thereafter ultimately on 1-9-1994, the petitioner was paid Rs.4,83,253-25.

3. This petition has been admitted by this Court on 22-6-1995 after notice to the respondents. The notice has been given to the respondents on 30-11-1994 returnable on 29-12-1994 looking to the nature of this case for the reason that this matter may be disposed of at the admission stage. But as usual the Bank has not given any cooperation to the Court and ultimately the matter has been admitted and after five years it has come on Board today for final hearing. Another contribution of the Bank in this case is even it has not filed reply to the special civil application.

4. Orally Shri M.K. Vakharia contended that to take administrative sanctions, some time has been taken to finalise and pay the retirement benefits to the petitioner.

5. I fail to see any justification in this contention. However, the learned counsel for the respondents admit that there is no delay on the part of the petitioner in this matter. This matter is squarely covered by the decision of the Apex Court in the case of Dr. Uma Agrawal vs. State of U.P. & Another in Writ Petition (Civil) No.771 of 1995 decided on 22-3-1999.

6. In the result, this special civil application succeeds and the same is allowed and the respondents are directed to pay interest from 1st February, 1994 to 31st August, 1994 on Rs.4,83,253-25 at the rate of 12% per annum to the petitioner. This amount of interest has to be paid to the petitioner within a period of two months from the date of receipt of writ of this judgment, failing which, the petitioner shall be entitled to interest at the rate of 18% per annum on this amount from the date of this judgment. Prior to the judgment, he shall be entitled to interest at the rate of 12 % per annum. Rule is made absolute accordingly.

7. It is a case where a retired person has unnecessarily been dragged into litigation by none other

than a Bank and as such it is a fit case where the petitioner should be awarded costs also, but Shri Jani states that this is a case of his friend's father and he has not charged anything. Hence, no order as to costs.

zgs/-